

EXHIBIT *ZZ*

A DIGEST

OF THE

LAWS AND ORDINANCES

FOR THE GOVERNMENT OF THE MUNICIPAL CORPORATION OF THE

CITY OF ^{713 / 70000030}READING, PENNSYLVANIA,

IN FORCE APRIL 1, 1897.



[PUBLISHED BY AUTHORITY OF THE CITY COUNCILS.]

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1897.

CITY CLERK—CITY PARK.

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be and the same are hereby repealed so far as the same affects this ordinance. 9 March 1891.

7. From and after the passage of this resolution, it shall be the duty of the city clerk to send to the residences of all members of councils, previous to the meetings of councils, printed copies of the calendar and ordinances which are to receive consideration at each meeting. 30 Sept. 1885.
J. 1885-86, App.
379.
To furnish
calendars, etc.,
in advance of
meetings.

8. From and beginning with the first day of April, A. D. 1894, the compensation to be paid the assistant in city clerk's office shall be and is hereby fixed at eight hundred and forty dollars per annum, payable as the salaries of other officials are payable. 13 Mar. 1894 § 1.
J. 1893-94, App.
643.
Salary of assistant.

City Park.

I. PENN'S COMMON AND COMMON COMMISSIONERS.

1. Public commons dedicated to the public by the title of "Penn's Common."

2. City districted for the election of common commissioners. Qualifications of commissioners.

3. Commissioners to be elected by councils. First election. Succeeding elections. Minority vote. Term. Organization. Election to be valid if held within sixty days after first Monday of September.

4. Vacancies, how filled. Minority representation. Removal of commissioners. Oath.

5. Common to be under control of commissioners. Appropriations by councils.

6. Plan of improvements.

7. Powers of commissioners. To employ superintendent and laborers. To purchase materials. Estimates to be submitted to councils. When mayor to give casting vote. Creation of debts and obligations. Councils to make appropriations therefor. No contracts to be made unless in pursuance of appropriation.

8. Meetings. Rules and Regulations.

9. Employment of police.

10. Interpretation of former ordinance relative to districts for election of commissioners.

11. City clerk to be secretary of board. Salary.

12. Mineral Spring property transferred to common commissioners for park purposes. Proviso.

13. Occupancy by Mount Penn Gravity and City Passenger Railway Companies.

14. Commissioners empowered to acquire driveway to connect with Egelman property. Damages.

15. Right of way granted to Mount Penn Gravity Railroad Company.

16. Conditions.

17. Purpose.

18. Mode of payment of employees of park and water departments. Pay rolls to be certified by superintendent.

19. How warrants to be drawn and moneys disbursed.

II. PARK RULES AND REGULATIONS.

20. Limit of speed. Driving confined to roads. Vehicles of burden. Entrance and exit. Coaches for hire. Threatening language, etc. Gaming and obscenity. Firearms, etc. Disturbance of fish, birds or animals. Fireworks. Placards. Injury to trees, shrubbery, statuary, etc. Dead animals, etc. Animals at large. Impounding and disposition of estrays. Tearing down notices. Leading of horses. Fakirs. Musical entertainments, etc. Parades or funeral processions. Public meetings. Games of sport.

21. Penalty.

I. "Penn's Common" and Common Commissioners.

1. That the tract of land situated at the head of Penn street, in the city of Reading, commonly known as the "Public Commons," which in a recent suit by the city of Reading against the county of Berks, was adjudged and decreed by the Supreme Court of Pennsylvania to belong to the city of Reading, be laid out, improved and maintained forever as a public common for the health, benefit and enjoyment of the inhabitants of said city, and shall hereafter be known and designated by the name of "Penn's Common." 28 Sept. 1887 § 1.
J. 1887-88, App.
312.
Public commons dedicated to the public by the title of "Penn's Common."

2. The city of Reading is hereby divided into four districts for the election of common commissioners in manner following, to wit: That portion of the city lying east of Sixth street and south of Penn street shall compose one district; that portion of the city lying west of Sixth street and south of Penn street shall compose one district; that portion of the city lying west of Sixth street and north of Penn street shall compose one district; and that portion of the city lying east of Sixth street and north of Penn street shall compose one district,¹ which districts shall be numbered one, two, three and Id. § 2.
City districted for the election of common commissioners.

¹ See *infra* 10.

28 Sept. 1887.
Qualifications
of commis-
sioners.

Id. § 3.

Commissioners
to be elected by
councils.

First election.

Succeeding
elections.

Minority vote.

Term.

Organization.

Election to be
valid if held
within sixty
days after first
Monday of
September.

Id. § 4.

Vacancies, how
filled.

four, in the order in which they are herein described, and the common commissioners hereinafter provided for shall be chosen one from each of the aforesaid districts, of which they shall be qualified electors, respectively, at the time of their election.

3. Within twenty days after the passage of this ordinance the councils of the city of Reading shall meet in joint convention and elect four persons, one from each of the aforesaid districts, qualified electors of their respective districts, neither of whom shall be a member of the city councils, who shall be styled "common commissioners." Each member of councils at said first election shall vote for two commissioners, and the four persons having the highest number of votes shall be declared elected; one of said commissioners so elected being one of the two highest in the number of votes cast, and one of said commissioners so elected being one of the two lowest in the number of votes cast shall hold office for the period of four years, to be computed from the first Monday in September, A. D. 1887, and the other two so elected shall hold office for the period of two years, to be computed from the first Monday in September, A. D. 1887; the choice between the two highest and the two lowest at the first election for the term of office, held as aforesaid, shall be determined by lot, and thereafter every two years there shall be elected in joint convention of councils, on the first Monday of September, two common commissioners, qualified as aforesaid, each member of councils to vote for only one commissioner, who shall not be a member of councils, and the two persons receiving the highest number of votes shall be declared duly elected for the period of four years from the date of their election, and no compensation shall be received by said commissioners for their services. The said commissioners shall organize annually on the second Monday of September: *Provided*, That if at any time hereafter the councils of said city of Reading should fail or neglect to elect said commissioners on the day prescribed by this ordinance, it shall and may be lawful for such election to be held at any time within sixty days thereafter, the term of office of the commissioners so chosen to be computed from the day upon which such election should have been held.

4. Whenever a vacancy shall occur in said board of commissioners by death, resignation, removal from office, removal from the district for which he was elected, or otherwise, such vacancy shall be filled by the remaining members of the board of commissioners, and the person so chosen by them to fill said vacancy shall serve for the unexpired term of the commissioner whose place is vacated, in manner following, to wit: If the office vacated has been filled by a commissioner who at the time of his election had the highest or next to the highest number of votes in the joint convention of councils, then his colleague in said board, who was elected at the same time with him by the same vote, or higher, or next highest vote to him, shall fill the vacancy by nominating to his colleagues a person qualified as aforesaid, residing in the district vacated, and if said person shall be approved by his two colleagues, such person shall be declared duly elected for the unexpired term; if the office vacated has been filled by a commissioner who at the time of his

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election was one of those having had the lowest number of votes in joint convention of councils, then his colleague in said board, who was elected at the same time with him, by the same vote, or next vote to him, above or below, shall nominate a person, qualified as aforesaid, to his two colleagues to fill such vacancy, and if said person shall be approved by his two colleagues, he shall be declared duly elected for the unexpired term of office. In case two or more vacancies should occur, either among those elected by councils in joint convention or those elected by the board to fill vacancies, such vacancies shall be filled by the remaining members of the board, on the principle that when filled the board shall fairly represent both the majority and minority vote of the joint convention which originally elected them ; and no member of the board of commissioners shall at any time during the term of office for which he has been elected, either by joint convention of councils or by the board of commissioners, be subject to removal from office, except by indictment for misdemeanor in office ; and said commissioners shall be duly sworn or affirmed before entering upon the duties of their office to execute the same with fidelity.

28 Sept. 1897.

Minority representation.

Removal of commissioners.

Oath.

5. All the care and management of the said common and all the plans and expenditures for the improvement and maintenance of the same shall be under the control of said commissioners, subject to such appropriations as councils may from time to time make for the maintenance and improvement of the said common.

Id. § 5.
Common to be under control of commissioners.
Appropriations by councils.

6. The said board of commissioners shall, as soon as practicable, after their organization, submit to councils for approval a plan or draft of the contemplated improvements to said common.

Id. § 6.
Plan of improvements.

7. They shall have power to appoint a superintendent and employ such laborers and mechanics as they may deem necessary, whose compensation shall be fixed by councils ; to purchase such material as may be requisite to govern, manage, lay out, plant and ornament the said common, and to maintain the same in good order and repair ; and the said commissioners shall, whenever called upon by councils, make and submit to them full estimates of the costs, charges and expenses of any work or alterations which they may contemplate, and whenever the said board of commissioners shall be equally divided in the determination of any question which may arise in their board touching the management of the said common, the casting vote shall be given by the mayor of the city ; but no common commissioner nor any person employed by or under them shall have power to create any debt or obligation to bind the said board of commissioners, or the city of Reading, except by the express authority of the said board at a meeting duly convened ; and all debts, obligations or expenditures made in pursuance thereof shall be paid from the appropriations made by councils, by bills duly approved by the said commissioners and in the manner in which bills of other departments of the city are paid : *Provided*, That no contracts shall be made or expenses incurred for the improvement or maintenance of said common unless an appropriation therefor shall have first been made by councils.

Id. § 7.
Powers of commissioners.
To employ superintendent and laborers.
To purchase materials.
Estimates to be submitted to councils.
When mayor to give casting vote.
Creation of debts and obligations.
Councils to make appropriations therefor.
No contracts to be made unless in pursuance of appropriation.

28 Sept. 1897 § 6.
Meetings.

Rules and reg-
ulations.

Id. § 9.

Employment
of police.

15 Oct. 1891 § 1.
J. 1891-92, App.
392.

Interpretation
of former ordi-
nance relative
to districts for
election of
commissioners.

20 Nov. 1887 § 1.
J. 1887-88, App.
328.

City clerk to be
secretary of
board.

Salary.

20 Mar. 1893 § 1.
J. 1892-93, App.
460.

Mineral Spring
property trans-
ferred to com-
missioners for
park purposes.

Proviso.

Id. § 2.

Occupancy by
Mount Penn
Gravity and
City Passenger
Railway Com-
panies.

2 Apr. 1896 § 1.
J. 1896-96, App.
636.

Commissioners
empowered to
acquire drive-
way to connect
with Egelman
property.

Damages.

8. The said commissioners shall hold regular meetings at such times as they may fix, and shall make and enforce such rules and regulations as they may deem necessary for the good government of the said common, which shall be submitted to councils for approval.

9. The said commissioners shall employ a police force adequate to maintain good order therein, whose compensation shall be fixed by councils, who shall at all times be subject to the orders of the said commissioners.

10. That Section 2 of an ordinance entitled "An ordinance establishing a public common, prescribing the mode of electing common commissioners and defining their powers," approved September 28th, 1887, be and the same is hereby interpreted to mean that Penn street shall be continued in a straight line east to the eastern city line, thereby making the districts for the election of common commissioners as follows, viz.: District No. 1. All that portion of the city lying east of Sixth street and south of Penn street, as herein interpreted. District No. 2. All that portion of the city lying south of Penn street and west of Sixth street. District No. 3. All that portion of the city lying west of Sixth street and north of Penn street, and District No. 4, all that portion of the city lying east of Sixth street and north of Penn street, as herein interpreted.

11. The city clerk shall be secretary of the board of common commissioners, and shall receive as a compensation for such service the sum of twenty dollars per month, beginning November 15, 1887.

12. That the tract or tracts of land known as the "Mineral Springs property," owned by the city and under the control of the water department, be and is hereby transferred to the board of common commissioners, to be used and improved as a public park, in such manner as the said common commissioners or councils shall in the future determine: *Provided, however,* That the funds necessary for repairing and maintenance of said property be taken from the department of water.

13. The said common commissioners shall exercise the same powers and authority pertaining to the occupancy of part of said land by the Mount Penn Gravity and City Passenger Railway Companies, as has been by ordinance conferred upon the water board when the privileges were granted to said companies: *Provided,* That if any part of the said land be at any time wanted for water purposes it shall be at the service of the board of water commissioners.

14. The common commissioners are hereby empowered to purchase, acquire, enter upon, take, use and appropriate, for the purpose of making, enlarging, extending and maintaining the public park, so much property as in their judgment may be needed to secure the necessary right of way and adjacent lands thereto, to connect Penn's Common with the tract of land owned by the city at Egelman dam, and in the exercise of the power herein granted they are hereby authorized to purchase or take such proceedings for ascertaining damages and assessing the benefits incident thereto, as shall be in accordance with the

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law authorizing cities of this commonwealth to acquire by purchase, or otherwise, private property for public park purposes.¹

15. That the Mount Penn Gravity Railroad Company be and is hereby granted the right to occupy a portion of the northeast section of Penn's Common with their railroad and station appurtenances, and also the right to cross the Mineral Spring property of the city of Reading with their railroad track.

16. That the right to occupy Penn's Common is granted subject to the control and management of the common commissioners, and the right to cross the Mineral Spring property is granted subject to the control and management of the water commissioners.

17. That the rights herein are granted to the said railroad company for the purpose of constructing, maintaining and operating a gravity railroad, and shall continue during the corporate existence of the said company.

18. The employees of the water and park departments shall and are hereby directed to be paid semi-monthly, by pay roll, to be approved by the proper departments or committees; said pay roll to contain name of person, kind and time of service, rate per day, amount due, and a receipt to be signed by the person receiving the amount set opposite his name, and shall be prepared and certified by the superintendent of each of said departments to the city clerk and city controller.

19. Upon presentation to the city clerk of pay rolls properly certified and approved as beforementioned, the city clerk shall and he is hereby directed to draw warrants as follows: * * *

* * * For the park department, "to the order of the superintendent."

Said officials to dispose of the money in the manner indicated on the pay roll, and to be responsible for the proper disbursement of the same.²

II. Park Rules and Regulations.

20. That the following rules and regulations be and are hereby established as the rules and regulations for the government and protection of Penn's Common, viz.:

(1) No person shall drive or ride in Penn's Common at a rate exceeding seven miles an hour.

(2) No one shall ride or drive therein, upon any part of the common, than upon the avenues and roads.

(3) No vehicle of burden or traffic shall pass through the common.

(4) No person shall enter or leave the common except by such gates or avenues as may be for such purposes arranged.

(5) No coach or vehicle used for hire shall stand upon any part of the common for the purposes of hire.

(6) No person shall indulge in any threatening, abusive, insulting or indecent language in the common.

¹ See the ordinance of October 1, 1889 (Jour. 1889-90, App. 294), forever exempting from being paved a triangular piece of ground at the intersection of Centre Avenue, Third and Windsor Streets, 108 feet on Third and 51 feet on Windsor Street, deeded by the owners to citizens of the vicinity for conversion into a park: "Provided, That it be sodded and laid out with walks of

proper width, and that it be improved and beautified and kept as a park."

² By the resolution of May 14, 1889, the common commissioners were requested to see that all persons employed at the park are residents and taxpayers of the city, and to give such as are willing to earn off their taxes preference when they apply for work. Jour. 1889-90, App. 333.

30 Dec. 1887.
Gaming and
obscenity.
Firearms, etc.

(7) No person shall engage in any gaming, nor commit any obscene or indecent act in the common.

(8) No person shall carry firearms, or shoot in the common, or within fifty yards thereof, or throw stones or other missiles therein.

Disturbance of
fish, birds or
animals.

(9) No person shall disturb the fish or water fowl in the pool or pond, or birds in any part of the common, or annoy, strike, injure, maim or kill any animal kept by direction of the commissioners, either running at large or confined in a close, nor discharge any fireworks, nor affix any bills or notices therein.

Fireworks.
Placards.

Injury to trees,
shrubby,
statuary, etc.

(10) No person shall cut, break, or in any wise injure or deface the trees, shrubs, plants, turf or any of the buildings, fences, bridges, structures or statuary, or foul any fountains or springs within the common.

Dead animals,
etc.

(11) No person shall throw any dead animal or offensive matter or substance of any kind within the boundaries of Penn's Common.

Animals at
large.

(12) No person shall turn cattle, goats, swine, horses, dogs or other animals loose into the common. Nor shall they be permitted in or around the common, unless accompanied by the owner; and whether accompanied by the owner or not, if any of said animals are found running at large in and about the said common, it shall be lawful for, and the park watchman or any of his assistants shall have full power and authority to impound them, or any of them, and if the said animals or any of them are not called for by their respective owners within forty-eight hours after the impounding of the same, it shall be lawful for the city authorities to sell and dispose of the said animals or kill the same.¹

Impounding
and disposition
of estrays.

Tearing down
notices.

(13) No person shall injure, deface or destroy any notices, rules or regulations for the government of the common, posted or in any other manner permanently fixed by order or permission of the commissioners of Penn's Common, within the limits of the same.

Leading of
horses.

(14) No person shall be permitted to bring or lead horses within the limits of Penn's Common, or a horse that is not harnessed and attached to a vehicle, or mounted by an equestrian.

Fakirs.

(15) No person shall expose any article for sale within the common, without the previous license of the commissioners.

Musical enter-
tainments, etc.
Parades or fu-
neral proces-
sions.

(16) No person shall have any musical, theatrical or other entertainment therein, nor shall any military or other parade or procession, or funeral, take place in or pass through the limits of the common, without the license of the common commissioners.

Public meet-
ings.

(17) No gathering or meeting of any kind, assembled through advertisement, shall be permitted in the common without the previous permission of the commissioners.

Games of
sport.

(18) No person shall engage in any play at base ball, cricket, shinney, foot ball, croquet, or at any other games with ball and bat, nor shall [any] foot race or horse race be permitted within the limits of the common, except on such grounds only as shall be specially designated for such purpose.

¹ This rule amended as above by ordinance of June 26, 1895, Jour. 1895-96, App. 549.

21. Any person who shall violate any of said rules and regulations shall be guilty of a misdemeanor, and for each and every such offence shall pay the sum of five dollars, to be recovered before any alderman of the city of Reading, with costs, together with judgment of imprisonment not exceeding thirty days, if the amount of said judgment and costs shall not be paid, which fines shall be paid into the city treasury for common purposes.¹

¹ These rules are supplemented by a series of additional regulations adopted by the board of park commissioners, June 14, 1895, prescribing the duties of the superintendent, gardener and park police.

Clerks of Councils.

1. Election of clerk of select council.
2. Term.
3. Duties.
4. Salary.
5. Repeal.
6. Duties of clerk of common council.

1. That the office of clerk of select council be and the same is hereby established. Said clerk of select council to be elected on the day fixed for the organization of council, or as soon thereafter as practicable ; a majority of the votes cast shall be necessary for an election.

2. The term of office of the said clerk shall be one year, or until his successor shall have been duly elected and qualified.

3. That it shall be the duty of the said clerk to keep a regular and accurate journal of the acts and proceedings of the said branch and prepare the same for printing, together with a calendar of unfinished business at each stated meeting ; he shall also act as clerk of councils in joint convention.

4. That the salary of the clerk of select council shall be three hundred dollars per annum, payable as the salaries of other city officials are payable.¹

5. That the ordinance, entitled “An ordinance defining the duties and fixing the bond and salary of the clerk of select council,” approved by the mayor December 24th, 1875, and any other ordinance or ordinances, or part of ordinance or ordinances conflicting with the provisions of this ordinance, be and the same are hereby repealed so far as the same affects this ordinance.

6. It shall be the duty of the clerk of the common council to keep a regular and accurate journal of the proceedings of said branch and prepare the same for printing, together with a calendar of unfinished business at each stated meeting.²

¹ By Section 4 of the act of March 21, 1865, creating the Reading Water Board (*ante*, p. 136), the clerk of select council is *ex-officio* secretary of that body. His annual salary in that capacity is three hundred and sixty dollars.

² The annual salary of the clerk of common council remains at two hundred and fifty dollars, as fixed by the salary ordinance of February 17, 1877, (*Jour.* 1876-77, App. 183), those of all other officers therein named having been changed by subsequent legislation.